

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANTHONY C. BARRETT,

Petitioner,

v.

CASE NO. 2:19-CV-2709

CRIM. NO. 2:11-CR-00173(1)

JUDGE ALGENON L. MARBLEY

Chief Magistrate Judge Elizabeth P. Deavers

UNITED STATES OF AMERICA,

Respondent.

ORDER

On July 10, 2019, the Magistrate Judge issued a Report and Recommendation pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings in the United States District Courts recommending that the Motion to Vacate and Amended Motion to Vacate be transferred to the United States Court of Appeals for the Sixth Circuit as successive. (ECF No. 184.) Although the parties were advised of the right to file objections to the Magistrate Judge's Report and Recommendation, and of the consequences of failing to do so, no objections have been filed.

The Report and Recommendation (ECF No. 184) is **ADOPTED** and **AFFIRMED**. The Motion to Vacate and Amended Motion to Vacate (ECF Nos. 182, 183) hereby are **TRANSFERRED** to the Sixth Circuit as successive.

Petitioner has waived his right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Therefore, the Court **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

/s/ Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge